

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MICHELLE HETZEL

FILED

CIVIL ACTION

v.

JUN 2 2009

NO. 08-3651

MARIOSIA LAMAS
Et al.,

MICHAEL E. KUNZ, Clerk
By _____ : Dep. Clerk
:
:

ORDER

AND NOW, this 22nd day of June, 2009, upon consideration of the petition for writ of habeas corpus, the Report and Recommendation of United States Magistrate Judge Arnold Rapoport and Petitioner's Objections, and all other relevant papers in the record, for reasons set forth in the accompanying opinion, it is **ORDERED** that:

1. The Report and Recommendation is **ADOPTED IN PART**.
2. Petitioner's objections are **SUSTAINED IN PART**.
3. The petition for writ of habeas corpus is **DENIED** without an evidentiary hearing.
4. A certificate of appealability under 28 U.S.C. §2253 (c) (1) (A) is **GRANTED** as to petitioner's objection to the state court refusal to grant a change of venue/venire.

Norma L. Higgins
J.